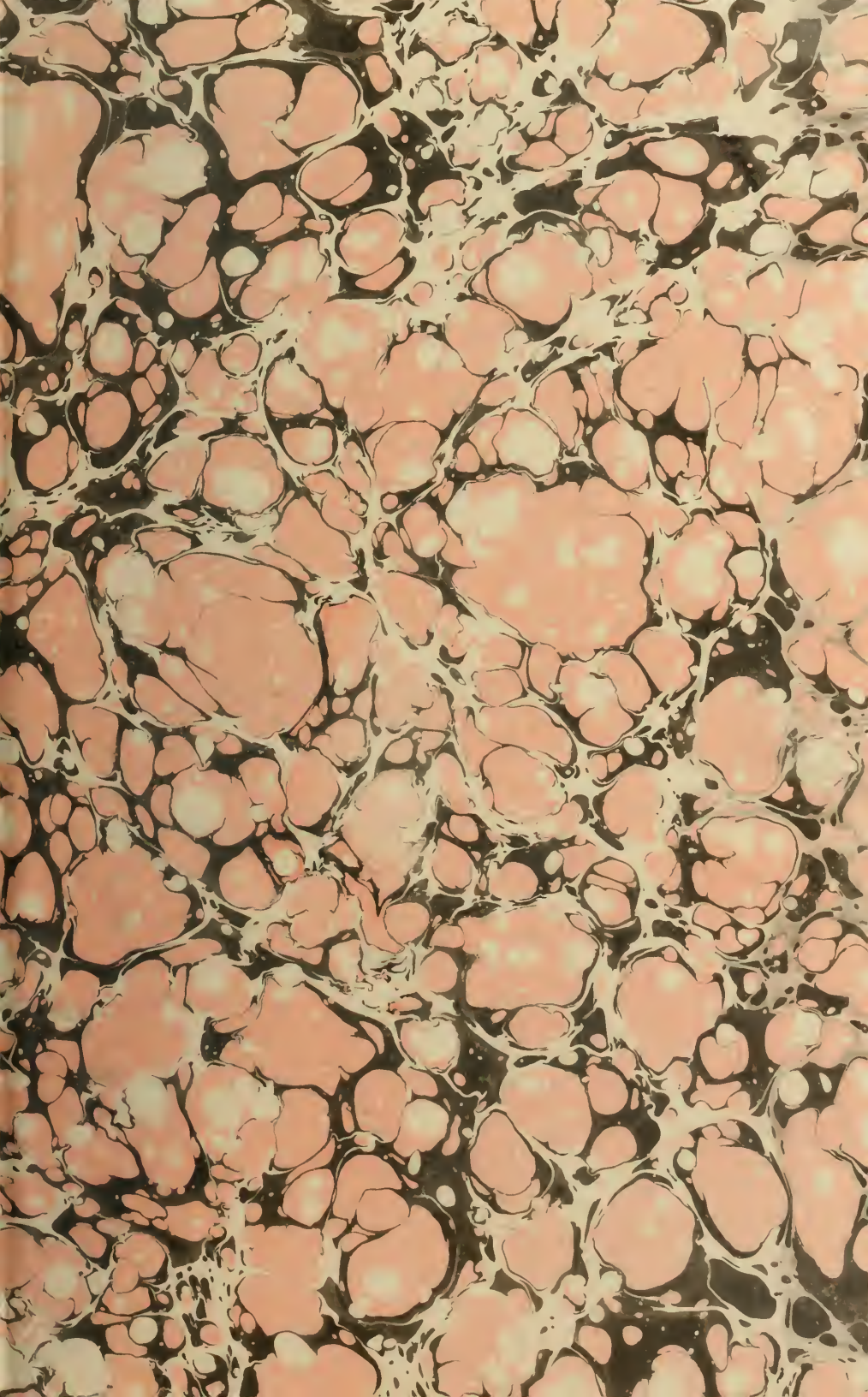




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THE
C A S E
OF THE
Hon. ALEX. MURRAY, Esq;
In an APPEAL to the
P E O P L E
OF
GREAT BRITAIN;
More particularly,
The INHABITANTS of the City and
Liberty of *Westminster.*

Old Men will out-live the Shame of losing Liberty, and young Men will arise who know not that it ever existed. A Spirit of Slavery will oppress the Spirit of Liberty, and seem at least to be the Genius of the Nation. Such too it will become in time, when Corruption has once grown to this height, unless the progress of it can be interrupted.

Letters on Patriotism.

L O N D O N:

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T H E
C A S E

Of the HONOURABLE

ALEXANDER MURRAY, *Esq*;



W HATEVER Air of Importance a Person may appear to assume by thinking his particular Hardships a proper Object of the public Attention; yet there are Instances, wherein the public and private Interests are so intimately connected, that to let the latter pass unnoticed, would imply a tacit Resignation of the former. Upon this Principle, *the Case of Mr. MURRAY* may, without any Imputation of Vanity, be deem'd worthy the Consideration of his fellow Subjects; for though *he* alone may, hitherto, have felt the Weight of the *Punishment*, it is not known how soon *they* may experience the fatal Effects

of the *Precedent*,—a Precedent founded on the most open Violation of the Constitution, the most daring Prostitution of Power, and in Defiance of those Laws provided for the Security and Welfare of a free People.

But what renders this Appeal, from a Sentence of the Representatives to the candid Judgment of their Constituents, still more necessary, is, the peculiar Industry that has been practised, to impose upon the Public a *false Representation* of the Offence ; in order if possible to justify the unexampled Barbarity of the Prosecution. For whatever may have been the Pretence of vindicating the Honour and Dignity of a *particular House* it will too plainly appear, that greater Regard has been had to support the private Pique, and personal Resentment of a certain *turbulent Statesman* ; whose Ambition impatient of Controul, and whose Avarice abhorrent of Expence, determined him to offer up some exemplary Sacrifice to his *devoted Thousands*, and an impious Opposition to his *all-sovereign Command*.

In order to trace this Torrent of Persecution against Mr. *Murray* to its Source, it will be necessary to observe, that at the last general Election, this *most noble Person*, though possessed of a Seat in *one House*, undertook (contrary to the very Essence of a *British Parliament*) to thrust a certain Member into the *other*. And arrogating
to

to himself the absolute Disposol of the Votes and Consciences of a whole City, issued out his *Lordly Conge d'Elire* for the Election of a near *Relation*; but being apprehensive, the young Candidate's Reputation might not be sufficiently establiſh'd in the Opinion of the Electors, thought proper to attone for this Deficiency of Merit, by tacking to him a *Gentleman* whose Honour and public Services would have secured him the general Suffrages of a grateful People, had he depended upon his own separate Interest. But many of the honest Citizens, ill-brooking this *heterogeneous Conjunction*, nominated Sir *Thomas Clarges*, and Sir *Thomas Dyke*; in support of whom, and in Opposition to our *d---l Leviathan's* Relation, Mr. *Murray* was disobedient enough to engage.

The Poll was scarce begun, when according to the *Bloomsbury* Maxim for preserving the Freedom of Elections, a Body of *Brick-street* and *Hockley* Regulators were muster'd in *Covent-Garden* to preserve the Peace, by the efficacious Discipline of *Club-Law*, and which indeed was so vigorously put in Execution, as to procure the utmost Tranquility by the happy Expedient of driving the Pollers for *Clarges* and *Dyke* intirely from the Hustings; but not satisfied with the *Garden Victory*, these triumphant Mercenaries pursued the Enemy to their Intrenchments at the
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Lebeck's Head Tavern, which, with the utmost Difficulty, they were by the Assistance of the *Peace Officers* prevented from forcing ; and notwithstanding *Sir Thomas Clarges* told them he was a Justice for *Westminster*, and threaten'd to read the Proclamation, they still continued their outrageous Attack. That Gentleman, having observed one *Brown* a Butcher very alert in spiriting on the Assailants, caus'd him to be seiz'd, and upon the fullest Information and Affidavits of several Persons, he had bruised and wounded, committed him to *Bridewell*.—A Hero who had so eminently distinguished his Prowess in support of the *d——l* Party, it is to be presumed, was not long suffer'd to remain in shameful Durance ; but being soon bailed, the whole Artillery of *Westminster-Hall* was drawn forth : An Information against the worthy Magistrate for false Imprisonment, another against Mr. *Murray* for an Assault upon *Brown's* Servant, and no less than twelve Actions against the High-Constable and others, open'd the legal Campaign. And it must be confess'd, the Attack from these judicial Batteries was supported with great Vivacity and Fury ; but, by the Interposition of an *honest Jury*, was happily prevented from doing any other Execution than plentifully availing the Professors of the Law, by the pecuniary Subsidies which such a Variety of Prosecutions must have rendered necessary, and

at whose Instigation and Expence carried on, was at that Time no Secret to the Public. — It may not be improper to observe, that *Brown's* Servant, who swore Mr. *Murray* knock'd him down, apply'd to him afterwards, expressing his Concern at having been prevailed upon to perjure himself, and implored Forgiveness, which was granted him upon owning his Offence and declaring his Sorrow for it. From the Time of this notable *Action* Mr. *Murray* may date the Commencement of his Persecution, being then mark'd the destined Victim of our *parliamentearing D—'s* *Resentment*.

The Influence of the *Argumentum Bacculinum* was found too powerful to prevent his Relation's Return to Parliament; where, in the Course of two or three Sessions, he so eminently distinguished himself in his legislative Capacity, that it was thought the Administration could do no less than reward his most *dutiful* Services, with some lucrative Employment. But the Apprehension of losing so useful a Member, delayed for some Time this Act of ministerial Gratitude, till at length, his *most noble Patron* engaged at the Risque of his Reputation and Fortune, to replace him in that *Seat* he had so *worthily* fill'd, and which by the Acceptance of a Place must necessarily become vacant. Upon this Assurance, behold him placed at the Head of our *naval Affairs*,

fairs, and returning to solicit a Re-establishment in that *public Trust*, which (without the Consent of his Constituents) he had already abandoned for his private *Emolument*. A Majority of Electors, apprehending that the double Capacity of *Admiral* and *Senator* might possibly furnish too laborious Employment for the “ flimsy Texture of so delicate a Brain,” resolved to relieve him from the Fatigue of the latter, by opposing his Re-election and manifesting their Resentment at the Behaviour of his Supporter, who had officiously become their *parliamentary Godfather*, and undertaken to *promise and vow* in their Names.—Hence Sir *George Vandeput* was nominated a Candidate, by the greatest Number of Inhabitants ever known to have assembled on the like Occasion, among whom Mr. *Murray* was not the least zealous, both on the Principle of public Liberty and private Friendship.

Sir *George* receiving Advice that the Agents of his Competitor, according to their usual laudable Custom, had issued out Commissions for raising the *bruising Regiment*; it was thought necessary to engage some Gentlemen of Fashion and Character to post themselves in *Covent Garden*, in order to put a Stop to any Riot that might arise from the Violence of these broomstick Electioneers, and among the rest Mr. *Murray* was prevailed on to undertake this disagreeable Office.

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The Poll was scarcely opened on *Friday* when the Place appeared surrounded by this formidable Militia, who, brandishing their Bludgeons, proclaim'd War against all who were not in the Interest of their *Paymaster*: But upon Mr. *Murray's* Expostulations they retir'd to the House of one *Boswell* (Chairman to the Ducheſs of *B ——— d*) where being re-animated by a fresh ſupply of Gin and Promiſes, they valiantly returned to their Poſts, and immediately begun to put the Enemy under *military Execution*. Mr. *Murray* then apply'd to the Bailiff, who ordered the High Conſtable and his Poſſee to ſeize them, which was accordingly executed, and Nineteen ſecured in the adjacent Round-houſe; among whom was the *Champion Boswell* himſelf.—Though the Confeſſion of ſeveral during their Confinement was taken in Writing, by which it appear'd that they were hired for Half a Crown per Day by *Boswell* and a certain *Painter* in *New Bond-Street*, to create a Diſturbance, and interrupt the Voters for Sir George; yet when carried before a neighbouring Juſtice, that excellent Magiſtrate from his tender Regard for the Liberty of the Subject, (of which he has ever been ſo zealous an Aſſerter) thought proper to diſcharge them; but, by a nice Refinement in the Adminiſtration of Juſtice, committed a Perſon, who had almoſt been murdered by them,

to Newgate, only for a little too eager Impatience in preferring his Complaint.

Nevertheless Sir Thomas Clarges and John Up-ton Esq; untrading Magistrates, having Resolution enough to commit two of the most abandoned of this vagabond Crew to the Gatehouse, it was deem'd so atrocious a Breach of their Duty and Office, as to rouse the Indignation of the *d--l Faction*; who once more had Recourse to the *King's Bench Ammunition*, which, in the Shape of Informations and Actions, was plentifully discharged upon the *Justices, Constables* and Mr. *Murray*; but to the eternal Disgrace and Disappointment of the Prosecutors, the *Jury* by their Verdict approv'd themselves Men, whose Integrity was not to be corrupted, or whose Judgment bias'd; and who express'd such an honest Detestation at the Villany of the Proceedings, that they refused the usual Compliment for their Attendance.

Mr. *Murray* being this second Time deliver'd from their legal Toils, what could not be effected by Law it was determined, should be carried into Execution by Power, and since Juries could not be prevailed on to gratify their Malice, another Set of Men must be made the Tools of their Oppression; accordingly Evidence is made, bought, and by every other Method obtain'd, when after six or seven Months infamous Traffic of this sort he

is brought before a Judicature, who by the Constitution could have no Cognizance of the *Cause*, and whose *Wisdom, Justice, Moderation* and *Candour*, the following impartial State of the Case it is apprehended will sufficiently demonstrate.

The Inhabitants of *Westminster*, alarmed at the unconstitutional Proceedings carried on during the late Election, and exasperated to find a Representative imposed on them by the dictatorial Authority of one *Man* in Opposition to a *scrutiniz'd Majority*, had Recourse to the HOUSE OF COMMONS, flattering themselves that *August Assembly* would vindicate their invaded Rights and Liberties, nor suffer the Invaders to escape with Impunity ; accordingly a Petition was presented complaining of a *false Return*.—The *d---l* Faction, conscious of their illegal Practices, and apprehending a Detection of them would inevitably be the Consequence of a *free Enquiry* into the Merits of the Election, determined at all Events to put a Stop to the Prosecution of it, and, in order to strike the Petitioners with Terror, prevail'd on their trusty Friend the High-Bailiff to assume the laudable Character of Informer, and complain of some high *Crimes* and *Misdemeanors* committed against his *sacred* Person ; but the more effectually to answer the Purpose, took especial Care that the Objects of this Complaint should be some *principal Witnesses* in support of

the Petition. However as the Accusation against the High-Bailiff was *antecedent* to his Complaint, it was thought, in Point of Regularity and Justice, that the Consideration of the *latter* should be postponed till the Determination of the *former*; more particularly as the Offences alledged to have been committed against this Magistrate, must necessarily appear upon hearing the Merits of the Petition. This having produc'd a Debate, and the S——r being call'd upon to give his Opinion in Point of Form and Order, he declar'd, That “ *To begin by Enquiry into the Complaint of the High-Bailiff was not only contrary to the Order and Method of Proceeding in that House, but of every other Court of Justice, and inconsistent with Justice itself.*” Though these Reasons might have some Prevalence with Part of the House, nevertheless a Majority determined, that the High Bailiff's Complaint should be *first heard*, which if not sufficient to terrify the Petitioners from their Pursuit of Justice, would at least produce the convenient Effect (to speak in the Phrase of an inferior Court) of *sinking some material Evidence*. Thus by a kind of *parliamentary Legerdemain* the *Accused* became the *Accuser*, and the *Witness* had the Mortification to find himself conjur'd into the Place of the *Culprit*.

This equitable Determination brought Mr. *Murray* to the Bar; where, in support of the grievous Charge exhibited against him by the
High-

High-Bailiff, the following Witnesses were produc'd; and first Mr. *Baldwin* (Deputy Bailiff) and his Son appeared, who declared,

“ *That Mr. Murray came to their House, and*
 “ *said, that he was resolved the High-Bailiff*
 “ *should not smuggle an Election; and that he*
 “ *and a Thousand more had sworn he should*
 “ *make the Declaration in the Middle of Co-*
 “ *vent Garden.*”

The Truth of the former Part of this Accusation Mr. *Murray* was ingenuous enough to confess, — and indeed if this Species of *parliamentary Smuggling* was found necessary to be encouraged for any private Reasons of *State*, no wonder an actual Attempt to prevent it should be deemed culpable by those at the Helm: — but as in our Days this cannot even be supposed, surely the *meer Saying* a Man *should not do* what he *ought not to do*, is a Crime of such a Nature, to which no Legislators have even yet thought proper of annexing a Penalty.

With respect to the other Part, Mr. *Gascoigne* and Mr. *Carne* the High-Constable, Gentlemen intirely disinterested, testify'd, that they were present, and heard the former Words, yet they never *heard the latter* Expression; and what afforded the strongest presumptive Evidence against such a
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Declaration, was, that it evidently appeared no such Purpose was ever intended to be executed, or how easy would it have been for Mr. *Murray*, with his thousand Volunteers, to have secured the Person of this Magistrate, when he met him going to the Hustings unsupported by a single Peace-Officer or any other Attendant. But in order to turn the Scale entirely in Favour of Mr. *Murray's* Innocence, the High-Bailiff himself was candid enough to acknowledge at the Bar—that meeting Mr. *Murray* in his Way from *Baldwin's* to the Hustings, upon being asked the Question, he did then declare, “ *That no Man could behave with more good Manners towards him than Mr. Murray.*”

Behold the next Witness coming forth in the Character of a Journeyman *Button-trimmer*, and declaring,

“ *That he saw Mr. Murray at the Head of a great Mob, who meeting a Chimney-sweeper, ask'd him who he was for?—The Chimney-sweeper answering, for Sir George,—Mr. Murray reply'd—Then you are an honest Fellow, but Lord Trentham and the High-Bailiff are two great Villains, or two great damn'd Villains and Rascals.*”

What delectable Dialogue! — Evidence how suited to the Solemnity of a senatorial Enquiry! —
Must

Must not the People entertain the highest Opinion of their legislative Deputies, when they see them seriously attending, *auribus erectis*, to such important Discoveries ? — But unluckily, had this heinous Article of Accusation the Sanction of Truth to enforce it, what Matter does it afford for the Cognizance of this Judicature ? Especially, as it is allow'd to have pass'd long after the Declaration was made ? Persuaded I am, had the *noble Lord* himself given the least Credit to it, his punctilious Delicacy in *Point of Honour* would have expected a personal Explanation from the Author of so scandalous an Indignity ; nor is it to be imagined, a Person who so valiantly manifested his Heroism in a late *French Affair*, would meanly buckle on the Armour of Privilege ; and adopt a *public Persecution* in the Place of a *private Resentment*.

The next Authority produced was that of a Tripeman, who

“ *Passing along Henrietta-street at the same*
 “ *Time the High-Bailiff was going to the*
 “ *Cross-Keys, heard somebody behind him*
 “ *say, is there No-body will knock the Dog's*
 “ *Brains out; when clapping the High Bailiff's*
 “ *Footman on the Shoulder he told him, That*
 “ *is he who utter'd those terrible Words, and*
 “ *then*

“ *then the Footman informed him that Person.*”

“ *Name was Murray.*”

What a *Janus-headed* Witness is here ! who from hearing Words utter'd *behind* him in a Crowd, could identify the Person who spoke them ? Did his Ears furnish him with the Knowledge of the personal Figure of Mr. *Murray*, whom he does not pretend to know before the Footman's Information ? Or what kind of Inspiration enabled him to discover, that the *particular Dog's Brains* meant by this Exclamation belonged to the *High Bailiff* ? But were it possible to pay any regard to such inconsistent Evidence, still the Commission of this horrid Offence must have been at least two Hours after all Business relating to the *Sanctum Sanctorum* of St. *Stephen's* Chapel was finish'd ; consequently subject to the Notice of some less sacred Tribunal.

However ridiculous the Matter contained in these two last Articles of Impeachment may appear, it cannot be deny'd, but that it must have receiv'd a very notable Weight of Authority from the *eminent Characters* of the Witnesses, who from their Situation in Life, must be concluded to have Understandings not to be imposed upon, and Principles of Honour not to be violated. What then will it avail the Cause of Mr. *Murray* with the *Public*, any more than with the

Senate, to oppose the unquestionable Testimony of our *Button-trimmer*, and *Tripeman*, with that of a noble Lord, an honourable Baronet and a worthy Barrister? Nevertheless as the same convincing Motives of Condemnation may not possibly influence the Verdict *without Doors*, I shall take the Liberty to produce the Authority of Lord Carpenter, who was pleas'd to declare at the Bar, that his Lordship and Mr. Murray were together from the Time the Declaration was made till Dinner; that they were in *Bedford-street*, where this great Mob was by the *Button-trimmer* said to be assembled, but never heard Mr. Murray say any Thing scurrilous of Lord *Trentbam* to a *Chimney-sweeper*, or any other Person whatever. His Lordship farther said, that he was arm-in-arm with Mr. Murray, when the High-Bailiff passed close by them through the Church-yard to the *Cross-Keys*, (which was near two Hours after the Declaration) but that he never heard Mr. Murray utter the Exclamation laid to his Charge by the *Tripeman*; and that if he had made use of any such Expressions, apprehended they could not have passed *unnoticed* by him; that so far from inciting the People to knock the High-Bailiff's Brains out, his Lordship declared, Mr. Murray advised them " *To leave him to the Remorse of his own Conscience; assuring them, that would be a more severe Punishment than any they could inflict.*"

" Sir John Tyrrell and Mr. Gascoigne, who were likewise close by Lord Carpenter and Mr. Murray

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when the High-Bailiff passed from the Church to the Tavern, were cali'd to corroborate this Evidence ; which in an Assembly where most of its Members were so well acquainted with his Lordship's Veracity and Honour, may seem an Act of Supererogation. In the Course of this Examination, Lord *Carpenter* having said, that he and Mr. *Murray* were together *all the Time*, from the Declaration till Dinner, and Sir *John Tyrrell* being ask'd if his Lordship was with Mr. *Murray* when he *first* saw him, and answering he believed not, one of the Members (remarkable for his insuperable Modesty) exulted on his Sagacity, in having, as he imagined, discovered a notorious Contradiction in the Evidence ; but when it is considered, that Sir *John Tyrrell* never saw Lord *Carpenter* till that Day, it will require no great stretch of Credulity to believe, that Sir *John* might talk a Minute or two with Mr. *Murray* in a *Crowd*, without particularly remarking a Person who was with him, and who at that Time was an *absolute Stranger* to him. Lo ! from this Mountain of Contradiction, *ridiculus mus nascitur* ; which however was scandalously urged as sufficient to invalidate the Testimony of two such honourable Persons ! To what pitiful Shifts must this Faction be reduced, when obliged to have Recourse to a Quibble, the most contemptible legal Pettyfogger would blush to be guilty of ?

The Reason of Lord *Carpenter's* and Mr. *Murray's* staying so long was, to use their Endeavours

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to prevent any Insult being offer'd to the High-Bailiff, not perhaps out of any regard to the *extraordinary Merits* of that worthy Gentleman; but being sensible that they should be made the Victims to expiate any *unlucky Accident that might happen*: and that this Apprehension was not ill-grounded, evidently appears from the *Fate* of Mr. Murray, even when *no Accident happen'd at all*.

Now appears the celebrated Mr. Pond, who is to give the *Coup de Grace*.—Hear him then alarm the House by declaring,

“ *That he heard Mr. Murray say in the Mount
“ Coffee house some Days after the Declara-
“ tion was made, that if his Advice had been
“ taken, and the Rails of the Portico cut
“ down, the High-Bailiff durst not have re-
“ turned Lord Trentham.*”

Heavy Charge! Nor can the Truth of it admit of any Dispute, when authenticated by the Declaration of so worthy a Person, honoured with the Confidence of the *highest-born Gamblers*; and constantly employ'd by them, in the commendable Quality of Bet-Broker; nay, who during the Time of the Election, is said to have very industriously exercised his Profession, by laying considerable Sums for the *noble Candidate* himself on the Event of his Return. But how atrocious the Matter contain'd in this Accusation, to suppose (so long after) that *to have happen'd which did not happen*, certainly justifies the Extremity of Punish-

nishment, as the *Supposition* of a Fact is doubtless more criminal than the *Execution* of it. Had the Iron Rails been cut down, what ought to have been the Consequence? Mr. *Murray* ought to have been punished. But the Iron Rails were not cut down;---what is the Consequence? Mr. *Murray* is punished. Excellent reasoning! righteous Determination! Could the bare Intimation that he was the Adviser of such a curious Stratagem be sufficient to condemn him, when it does not appear that he ever actually gave this Advice to any Person whatever, or that the least Attempt was made in Consequence of it? Who knows not, that an *overt Act* is requir'd to the Conviction of a Person for *High Treason* against the King himself; yet, behold no such legal Nicety is thought necessary to constitute a *Læsa Majestas* against the *honourable House*.

It is observable throughout the whole Course of the Evidence, that not so much as any one Act whatever is pretended to have been committed by Mr. *Murray*, not even any oral Offence (except that at *Baldwin's* with which the High-Bailiff was not, 'till long after, acquainted) which was not subsequent to the Declaration. How then could the Returning-Officer produce it in support of a Charge, founded on *delaying the Election*, by *obstructing him in the Execution of his Office*? Did he cunningly discover Obstructions after the Completion of his Duty, which he was not sensible of, during the Exercise of it? Or by what kind
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of Logic does it follow, that the *treasonable Words* against the noble Lord's Honour, the *terrifying Exclamation* against the *High-Bailiff's Brains*, or the *Coffee-house Supposition* concerning the *Rails*, could occasion this criminal *Delay in the Election*, when all must have happened long after the ARBITRARY FIAT had passed the hallowed Lips of one MEMBER-MAKING MAGISTRATE ?

Such is the Charge and *such* is the Proof of it, that induced the Protectors of *British Liberty* to condemn a *British Subject* to *close Confinement* in a loathsome Prison, appropriated for the Reception of Thieves and Murderers, with every other Species of the meanest, and most profligate, Offenders. But even this severe Exertion of Power was deemed too favourable and must be embittered by the additional Cruelty of some still more mortifying Circumstances. Mr. *Murray* must receive this hard Sentence upon his Knees. Tho' his Resolution might enable him to support the former part of the Judgment, his Spirit would by no means suffer him to pay a slavish Submission to the latter ; for had this reverential Token of Submission been made the *Price* of his *Acquittal*, he should have thought the Penalty at least equalled the Degree of his Guilt ; much less could he think of making so humble an Acknowledgement for so extraordinary a Condemnation. However this Refusal being held a high Insult on the Dignity of the House, a fresh Article of Pains
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and Penalties was invented, and the Use of *Pen*, *Ink*, and *Paper* prohibited ; which, tho' in Cafes of Conspiracy and Treason, had been practifed by way of *Precaution*, was feldom known to have been inflicted by way of *Punifhment*.

The *d--l Faction*, finding the Vengeance they had procured, far from being juftified by the Senfe of the Public, induftrioufly endeavoured to propagate an *erroneous Belief* that the *Severity* proceeded meerly from Mr. *Murray's Obftinacy*, when on the Face of the Proceedings, it appears, that every Part of this tremendous Sentence (except what relates to Pen, Ink, and Paper) was refolved two Hours, before it could poffibly be known, that Mr. *Murray* would be guilty of fo facrilegious a Contumacy, as to refufe KNEE-WORSHIP to the affumed Divinity of his Judges.

While Mr. *Murray* (in Cuftody of a Messenger) waited the Determination of the Houfe, fome Friends came to him, and with a generous Concern, acquainted him with the former Part of his Judgment: And tho' he might poffibly entertain fome Reliance on the Equity of thofe, who were chofen by the People to defend their Liberties and Properties ; yet he was the lefs furprized, having been informed, that his Fate was determined fome Weeks before at WHITE'S; where very large Sums had been laid upon his Commitment, and was advifed to fly his Country, in order to evade the Fury of thefe *sporting Legislators*, who it was apprehended might not pay the moft confcientious

scientious Regard to their public Trust, when placed in Competition with their private Advantage.

With what Indignation must this Sentence inspire every Reader, who has imbibed the least Spark of public Spirit! And how much more will he be alarmed, when acquainted with the *rancorous* Execution of it? Let us then attend this injured Gentleman to his Dungeon, at which arriving about Four o'Clock in the Morning, the sixth Day of *February*, notwithstanding he had been ill for several Days before, he was conducted into a Room, the Windows of which were shattered and the Walls plentifully bedewed with Moisture, proceeding from the unwholesome Situation of the Place, and not having had an unhappy Tenant in it during some Years. These unsalutary Circumstances soon encreased his Indisposition, and the third Day brought on a violent Fever. Mr. *Murray* sent the Person who looks after the Convicts (and was likewise the only Attendant allowed) to procure him the Assistance of an Apothecary or Surgeon; but this Benefit, which was never refused the most flagitious Offender, was not to be indulged him. Mr. *Akerman* pleaded the peremptory Orders he had received from the House in Excuse of his Refusal; but as he is possessed of an uncommon Humanity in his Profession, he went the next Day to *Westminster*, and acquainted some of Mr. *Murray's* Friends with his Illness. Mr. *Cooke*, whose Benevolence

volence to Mankind in general is so conspicuous, affected with a friendly Regard of Mr. *Murray's* Sufferings, generously moved, that he might be attended by his Physician and Apothecary: Mr. *Murray's* own Physician was admitted, and his Visit proved so very critical, that had it been delayed but a few Hours, it is thought, he must have expired; but why his *own Apothecary was prohibited*, the Authors of his Persecution can best explain.

Mr. *Murray's* Brother (Lord *Elibank*) and his Sister, being greatly alarmed by the Report of Doctor *Lamont*, made Application for Permission to see him; when the Lady, perceiving that the Extremity of his Illness rendered the Attendance of a Nurse absolutely necessary, prevailed on Mr. *Cooke* once more to move the House for this additional Indulgence; and that one of Mr. *Murray's* own Servants might likewise be allowed to attend him.

The Skill of the Physician having in about eight Days gained the Ascendant of the Fever, no sooner were the *Commons* apprized of it, but Doctor *Lamont* was ordered to the Bar, where in Answer to many learned Physical Interrogatories, he candidly informed them that the Fever being subdued, he apprehended Mr. *Murray* was in no immediate Danger; but added, that as for some Years he had been obliged to ride for his Health, he feared, if his Confinement in so unwholesome a Place was of long Duration,

tion, he could not *possibly live*. This Declaration only produced a fresh *Mandamus* to the Keeper, that no Persons, except the Physician, Apothecary and Nurse should be admitted; by which merciful Order, Mr. *Murray* was at once deprived of the Consolation of his Brother's and Sister's Visits, and the necessary Convenience of his Servants' Attendance.

A few Days brought a violent Return of Mr. *Murray's* Illness, and as the Nurse he then had (who was procured in a Hurry by the People belonging to the Goal) was very incapable of her Duty, and whose Filth and Nastiness rendered her extremely offensive, he requested Mr. *Akerman* would apply to his Sister to procure him another; but was answered he could have no other.----In vain were his Remonstrances, that her Infirmities made her of no Service to him; the invariable Decree could not be altered. However it would be Injustice to the *Keeper* not to declare, that nothing but the Dread of the House's Vengeance, and the private Instructions he had received, could have determined him to so punctilious an Observance of their Order; the Consequence of which was, that, in a raging Fever with a Blister on his Head, Mr. *Murray* was frequently obliged to leave his Bed, in order to procure the Necessaries he wanted. Ten Weeks did Mr. *Murray* support this rigorous Treatment, debarred the Sight of any Face he had ever seen before, except that of his Doctor's, while (tho' in this Condition) treble Doors were thought necessary

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fary to secure him, the numerous Locks and Bolts of which furnished a Sound, not much less entertaining than would have seemed that of his Passing-Bell.

About the middle of *April*, Mr. *Murray* was again seized in such a Manner that his Attendant, or rather Guardian, who had been tried for his Life, and whose Employment consisted in locking up the Convicts in their Cells, (an Occupation not very apt to inspire the tenderest Sentiments) yet, ' say, even this very Fellow was so melted with Pity and Compassion to behold Mr. *Murray's* Agonies, occasioned by an Inflammation in his Bowels, that he would not stir from him that Night. Lord *Elibank* calling next Morning to enquire after his Brother's Health, our *Press-yard* Valet expressed his Apprehensions that he could not live; but being informed the Doctor had been there as soon as the Prison Gates were opened, his Lordship immediately went to him, and requested he would acquaint the *House* with his Brother's imminent Danger.

Upon Dr. *Lamont's* Representation, Mr. *Palmer*, Deputy Serjeant, attended by a Messenger, came to *Newgate* in the Evening with an Order to move Mr. *Murray* directly. At their Entrance they found him upon the Bed, and the Sheets which had been soaked thro' reeking at the Fire. Mr. *Murray* enquired of Mr. *Palmer* the Reason of so sudden a Resolution? Who replied, it was owing to the Physician's Information of his Danger, and that
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the House, from it's wonted Humanity, had ordered him to be carried to a Messenger's. And surely, removing a Person from *Newgate* to *Westminster* with an Inflammation in his Bowels, and in a high Fever, must be allowed a very *extraordinary Act of Humanity!* However, the Force of Mr. *Palmer's* Rhetoric was not sufficient to prevail on Mr. *Murray* to be of that Opinion; who absolutely refused to accept of this *unmerciful Mercy*; tho' there is Reason to believe his Refusal would have availed him little, had not his Physician, who chanc'd to be present, declar'd his Opinion, that a Removal would be attended with certain Death. This Authority justified Mr. *Palmer* for not putting his Warrant in Execution, and upon Mr. *Murray's* asking him what the *House* intended to do with him at the Messenger's, he answered, To confine him there till his Recovery; but that No-body was to be admitted to him; and if he did not then make his Submission upon his Knees, he would be remanded back to *Newgate*. As the ten Weeks severe Sufferings had not been able to convince Mr. *Murray* of the Heinousness of his Offence, he reply'd, that he would not consent to it upon such Terms; and that he would rather die ten thousand Deaths than violate his Conscience by a Confession of Guilt, and, by a scandalous Submission, give a Sanction to Proceedings so manifestly founded in Oppression and Injustice. Upon this Mr. *Palmer* took his Leave, and promis'd he would return next Day at Four in the Af-

ternon ; but disturbed Mr. *Murray* in the Morning before Nine, and asking him what he propos'd to do, he answered, that he thought the Difference very immaterial between remaining where he was, and being remov'd to a Messenger's only till his Recovery ; to which Mr. *Palmer* assented, and said, more especially as he was to be confined where *Iron-Bars secured the Windows*. He then pressed Mr. *Murray* to send a Message to the House, which he declined ; therefore if any thing of that kind appeared, Mr. *Palmer* alone is answerable for it.

Nevertheless Mr. *Murray* would be very deficient in point of Gratitude, were he not to acknowledge his Obligations to that Gentleman, for ordering the Keeper to admit his Sister and a Nurse capable of her Office, which 'till then he had not, excepting three Days of his first Illness : For altho' the Lady had frequently submitted to the meanest Disguises, in order to gain Access ; yet, so rigorously were the Orders executed, that no social Alleviation of his Confinement was to be obtained.

Let us next behold this Gentleman appealing from the Violence of *Power* to the Protection of *Law*, and claiming the Benefit of that *sacred Act*, which, however it may sometimes have been suspended for the public Safety, has scarce ever been violated on private Occasions. Mr. *Murray* having determined to apply for his *Habeas Corpus*, Council was first to be procur'd ; but, who would imagine, that amongst the Swarm of *LEGAL ORATORS*, not
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one of any Eminence was to be found, who had Resolution enough to engage in the Cause of so *obnoxious a Client* : The *British In-----n* had struck such a Panic throughout the Regions of *Law* and *Justice*, that even the *all-powerful Fee* was unable to subdue the Timidity of the *mercenary Professors* ; but at the Request of Lord *Elibank*, an *honourable Gentleman*, who had long abandoned the Business of the Bar, stood forth, and, gloriously despising any Penalty he might incur for vindicating the invaded Laws and Constitution of his Country, moved the Court of *King's-Bench*, that Mr. *Murray* might be brought up and admitted to Bail. It would be needless to observe with what a glowing Spirit of *British Freedom*, and convincing Power of Argument, this Motion was made when the Reader is informed that Sir *John Phillips* was the Advocate.

Though by this Application, Mr. *Murray* was rescued for a few Hours from his Confinement, it was only to hear the *puisne Judges* of that Court pronounce the mortifying Sentence of his Return to his Dungeon, founded upon this Principle of Law, that the *House of Commons* was a *superior Court of Judicature* to the *King's-Bench*. Had the Constitution complimented that House with such executive Authority, it would certainly have been empowered to *examine upon Oath*, a Circumstance absolutely necessary in the Administration of Justice. What then is become of this boasted Barrier of *British Liberty*, the *HABEAS CORPUS ACT* ? What shall
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distinguish *Britons* from those who groan under the most arbitrary Governments, if subject to the like tyrannical Acts of Oppression? And what shall defend a free People from these, whenever their *Representatives* shall think fit to constitute themselves their *Judges*, and wantonly inflict the severest Pains and Penalties by virtue of their meer *Will* and *Pleasure*. More especially, as from this *awful Tribunal* no Appeal is to be permitted, except to that only *superior One of Heaven*; and indeed who knows but even this might be tortured into a high Breach of Privilege, as arraigning the *Omnipotence* of their *terrestrial Jurisdiction*.

As no Punishment was thought sufficient for Mr. *Murray's* Guilt, so it was to find no Period, but in the Prorogation of that Power which inflicted it. At length the Day of Delivery approach'd, when the inexorable Gates were to open him a grateful Passage to the Arms of his Relations and Friends, after being near five Months debar'd the Enjoyment of the two principal Blessings of Life, *Liberty* and a *social Converse* with his fellow Creatures; and having experienced the Effects of a Sentence little less eligible than Death itself. Accordingly on the 25th Day of *June*, his Majesty put an End to the Sessions of Parliament, and of Consequence to Mr. *Murray's* Imprisonment.

If there lives any one so abandoned to a Love of *Slavery* as to remain unmoved by this *Narrative*, I shall leave him in Possession of his *Chains*,
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and think them the most *suitable Ornaments* for so degenerate a Member of a free Country. But satisfy'd I am, every *uncorrupted Briton* will be rous'd at a Scene much more becoming the *Meridian* of an oriental Tyranny than the Region of *British Liberty*; and though the Injury done a *private Subject* of the Community should make little Impression; yet, surely the Wound which the *Constitution itself* has receiv'd through him, must awake the most alarming Apprehensions. What has been the Fate of *One* may prove that of *Thousands*; especially when it is considered, that the Statesman is no less apt to quote the Authority of *Precedent* than the Lawyer? Who then, at any future Election, shall be hardy enough to exercise the Rights of a *free Elector*, when even an Approach to the Hustings, without a *ministerial Passport*, has been deemed so criminal? Who, hereafter, but must tamely acquiesce in the *authoritative Decision* of a Returning-Officer, when a regular Impeachment of it, is held to be such a *parliamentary Profanation*? These Essentials in their Creation once remov'd, must not a House of Commons become rather a *Turkish Divan* than a *British Representative*? And when this constitutional *Battery*, rais'd to defend the People from the Attacks of arbitrary Power, shall, by the Intrigues of a *State Engineer*, be once turn'd upon them, what remains but to surrender at Discretion? When *one Part* of the Legislature assumes a Privilege peculiar to *another*,

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or wrests the Cognizance of Causes from *those Courts* erected for the Determination of them, what Confusion will not arise in the System of Government? And indeed what Security the People are to expect in such an *Anarchy* of Administration, the Case of Mr. *Murray* too fatally evinces. Tho' the Law of the Land has provided, that every Subject shall be *tried by his Jury*, have we not seen a particular Power uniting the three inconsistent Capacities of *Judge, Jury* and *Prosecutor*? And tho' an express Provision has been made against *excessive Pains and Penalties*, have not the most severe been inflicted even for no Offence? But to conclude in the Words of a *noble Author*:

“ This could not happen if there was the least
 “ Spirit among us ; but there is none. The Mode-
 “ ration we have seen practis'd is Pusillanimity :
 “ Hence it comes that Corruption has spread and
 “ prevails. Consider then you owe to your Coun-
 “ try, to your Honour, to your Security, to the
 “ present and future Ages, that no Endeavours of
 “ yours be wanting to repair the Breach that is made
 “ and is encreasing daily in the Constitution, and
 “ to shut up, with all the Bars and Bolts of Laws, the
 “ principal Entries thro' which these Torrents of
 “ Corruption (and Oppression) have been let in
 “ upon us.”

F I N I S.

